

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM
Section 3, Canjilon Creek

PUBLIC NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE SURFACE OR UNDERGROUND WATERS OF THE CANJILON CREEK SUBSECTION OF SECTION 3 OF THE RIO CHAMA STREAM SYSTEM.

AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE OR GROUND WATER IN THE CANJILON CREEK SUBSECTION OF SECTION 3 OF THE RIO CHAMA STREAM SYSTEM FOR IRRIGATION PURPOSES AND WHOSE NAMES APPEAR BELOW:

SPRING NO. 3 DITCH

Defendants:

Donald Martinez.

PRIORITY 1906

SPRING NO. 4 DITCH

Defendants:

Donald Martinez.

PRIORITY 1906

SPRING NO. 5 DITCH

Defendants:

Donald Martinez.

PRIORITY 1906

MARTINEZ UNNAMED DITCH

Defendants:

Donald Martinez.

PRIORITY 1906

UNKNOWN DITCH

Defendants:

Placido Borrego, Alfred J. Chavez, Sarah Chavez, Donald Martinez, Anita B.

PRIORITY 1919

Scarborough-Trustee, George M. Scarborough-Trustee, Tony Scarborough, Scarborough Living Trust.

ORTIZ DITCH NO. 1

PRIORITY 1899

Defendants:

Carlos W. Lujan, Augustine Ortiz, Marcia Ortiz, John Gregory Valdez.

ORTIZ DITCH NO. 2

PRIORITY 1899

Defendants:

Placido Borrego, Augustine Ortiz.

ORTIZ DITCH NO. 3

PRIORITY 1899

Defendants:

Augustine Ortiz.

ORTIZ DITCH NO. 4

PRIORITY 1895

Defendants:

Kurt Gramoll, Carlos W. Lujan, Marcia Ortiz.

ORTIZ DITCH NO. 5

PRIORITY 1895

Defendants:

Kurt Gramoll.

BORDO DITCH

PRIORITY 1888

Defendants:

Tammy M. Bacca, Jo Ann Gallegos, Carlos A. Garcia, Cindy Garcia, Deluvina Garcia, Francisco Leroy Garcia, Orlando Garcia, Ortance Garcia, Pamela Garcia, Rafael Garcia, Teodoro Garcia, Geraldine Martinez A/K/A Geraldine N. Valdez, Lucella M. Gonzalez, Renea P. Gonzalez, Reynaldo Gonzales, Kurt Gramoll, Simon and Teodora Hernandez Family Trust, Raymond Jaramillo, Victor Jaramillo, Leroy Lopez, Jose Modesto Madrid, Fermin Maes, Antonio Maestas, Cipriano Maez, Pauline Maez, Alfonso A. Manzanares, Maria Gloria Manzanares, Ramon A. Manzanares, Dolores Martinez, Donald Martinez, Dorothy Martinez, Jake Martinez, Melissa Martinez, Praxcedes Martinez, Ray Martinez, Richard Martinez, Ross A. Martinez Jr., Sylvia Martinez, Joseph G. Medina, Bailon Montano, Chris Montano, Donald Montano, Florencio Montano, Genoveva Montano, Gilbert Montano, Jacob D. Montano, Jose P. Montano, Lawrence G. Montano, Luggie Montano, Robert M. Montano, Thomas Montano, Tomacita O. Montano, Judy Morales, Moises Morales Jr., Ray G. Morales, Rosalena Morales, Ernestine C. Ortega, Ernestina V. Rivera, Flora M. Rivera, Leo E. Rivera, Raymond Rivera, Jose C. Rodriguez, Sally M. Rodriguez, Agripina Salazar, Josephina G. Salazar, Victor Salazar, Agapito Sanchez, Barbara Sanchez, Beulah Sanchez, Danny Sanchez, Priscilla Sanchez, Charles Sandoval, Dianne R. Sandoval, John A. Serrano, John J. Serrano, Samuel S. Serrano, Sandra C. Serrano, Mike Soberanez, Onofre Soberanez, William H. Storey III, Jacob Trujillo, Pedro P. Trujillo, Ephraim Valencia, Shirley Whitley.

CASIAS DITCH

PRIORITY 1886

Defendants:

Pedro P. Trujillo.

EL LLANO DITCH

PRIORITY 1874

Defendants:

Patricia Alarid, Tommy Alarid, Manuelita Archuleta, Tomas D. Archuleta, Amalia M. Baca, Aquilino Baca, Bertha Baca, Dolores Baca, Enriques Baca, Paul R. Baca, Ralph Baca, Glen Baker, Kenneth Bowman, Erlinda Casados, Robert Casados, Jerry Castillo, Mary W. Castillo, Abraham A. Chavez, Lena E. Chavez, Angel B. Collado, Esther J. Collado, Lena Cordova, Richard Dant, Beverly R. Garcia, Carlos A. Garcia, Danny J. Garcia, Flora Garcia, Jerry Garcia, Jose Luz Garcia, Lydia Garcia, Velma Garcia, Geraldine Martinez A/K/A Geraldine N. Valdez, Eliza J. Jaramillo, Leo Jaramillo, Betty Jolly, James P. Jolly, John Jolly, Sheila Jolly, Benjamin Leyba, David Leyba, Dorothy Leyba, Gilbert Leyba, Horace Leyba, Leopoldo Leyba, Louise M. Leyba, Victoria G. Lopez, Estema Madrid, Juanito Reynel Madrid, David Manuel Maes, Fermin Maes, Joseph M. Maes, Juanito B. Maes Jr., Tomas Maes, Antonio M. Maestas, Marcia H. Maestas, Mike Maestas, Frances Manning, Jerry C. Manning, Adan Martinez, Adela Martinez, Albert Martinez, Celine Martinez, Creolinda M. Martinez, Eduvigen Martinez, Eraldo Martinez, Eugene Martinez, Irene B. Martinez, Isabel Martinez, Jose Lorenzo Martinez Jr., Jose Melisendro Martinez, Leonor Martinez, Loyda Martinez, Lucrecia V. Martinez, Martin Martinez, Mary Martinez, Max Martinez, Melisendro Martinez, Stella Martinez, Chris Montano, Maria Celina Montano, Johnny D. Montoya, Juanita Montoya, Henrietta Morales, Moises Morales Jr., Livia Olguin, Carole J. Otero, Dorothy Rivera, Ernestina V. Rivera, Leo E. Rivera, Vickie Martinez Rodela, Phoebe M. Romero, Juanita Salazar, Sabino Salazar, Amos Ray Sanchez, Lena Sanchez, Philip T. Sanchez, Richard L. Sanchez, Yolanda Sanchez, Nickiann Scheurwater, William N. Scheurwater, Sandra C. Serrano, Allen Silverstein, Ben Torres, Felimon A. Torres, Helen G. Torres, Isabel Torres, Luis Torres, Alfredo J. Trujillo, Belarmino Trujillo, Carmelita R. Trujillo, Jacob Trujillo, Mae C. Trujillo, Pedro P. Trujillo, Theresita M. Trujillo, United States of America, Adriano G. Valdez, Adriano S. Valdez, Andrew Valdez, Belinda M. Valdez, Delia C. Valdez, Demecia Valdez, Gregorio Valdez, Joseph S. Valdez, Valeria M. Valdez, Ephraim Valencia, Sharon K. Velarde, Gomisindo Velasquez, Phil Velasquez, Felima Viarreal, Atocha Vigil, Emilia Vigil, Norman D. Vigil, Rosalie E. Vigil.

BRAZITO DITCH

PRIORITY 1888

Defendants:

Amalia M. Baca, Paul R. Baca, Kenneth Bowman, Erlinda Casados, Robert Casados, Jean Childers, Bill Davis, James S. Findley, Muriel T. Findley, Kurt Gramoll, Betty Jolly, James P. Jolly, John Jolly, Sheila Jolly, Alex Leyba, Leopoldo Leyba, Maria F. M. Leyba, Reyna Leyba, Frances Manning, Jerry C. Manning, Adriana Martinez, Cipriana M. Martinez, Dorothy Martinez, Egripino Martinez, Jamie Martinez, Alfredo Montoya Jr., Louise O. Montoya, Fernando S. Romo, Adriano G. Valdez, Norman D. Vigil, Rosalie E. Vigil, Jackie Wagner.

OTRA VANDA DITCH

PRIORITY 1874

Defendants:

Jerry Castillo, Mary W. Castillo, Jerry Garcia, Lydia Garcia, Geraldine Martinez a/k/a Geraldine N. Valdez, Jolly Family Trust, Jose Modesto Madrid, Max Marquez, Albert Martinez, Angela D. Martinez, Donald Martinez, Irene B. Martinez, Jonathan Martinez, Max David Martinez, Ross A. Martinez Jr., Gusman F. Montano, Mary Lou Montano, Henrietta Morales, Moises Morales Jr., Ernestina V. Rivera, Leo E. Rivera, Sabino Rivera, John J. Serrano, Pedro P. Trujillo, Adriano G. Valdez, Amarante Valdez, Antonio Valdez, Patrick Valdez, Reyes Valdez, Valeria M. Valdez, Ephraim Valencia, Armando Vigil, Frances Vigil, Chester O. Weaver.

VALDEZ DITCH

PRIORITY 1884

Defendants:

Amarante Valdez, Reyes Valdez.

RIVERA DITCH NO. 1

PRIORITY 1884

Defendants:

Ernestina V. Rivera, Leo E. Rivera.

RIVERA DITCH NO. 2

PRIORITY 1884

Defendants:

Max Marquez, Ernestina V. Rivera, Leo E. Rivera.

ACEQUIA EL PINABETAL

PRIORITY 1884

Defendants:

Miguel E. Gonzales, Carla Martinez, Jake Martinez, Lorraine S. Martinez, Melissa Martinez, Onesimo Martinez, Ray Martinez, Ronald A. Martinez, Tony M. Martinez, Vangie Martinez, Joseph G. Medina, Gusman F. Montano, Mary Lou Montano, Octaviano Montano Jr., Moises Morales Jr., John J. Serrano, Samuel S. Serrano, William H. Storey III.

ACEQUIA DEL ORILLA

PRIORITY 1871

Defendants:

Richard Dant, Danny J. Garcia, Velma Garcia, Angelina G. Martinez, Juan C. Martinez, Longinia O. Martinez, Agripina Salazar, Victor Salazar, Theresita M. Trujillo, Karla B. Vigil, Lawrence Vigil, Vicente Vigil.

GARCIA DITCH NO. 1

PRIORITY 1871

Defendants:

Grace G. Baker, James M. Baker, Danny J. Garcia, Velma Garcia, Florence Maestas, Richard Maestas, Angelina G. Martinez, Juan C. Martinez, Longinia O. Martinez, Agripina Salazar, Victor Salazar, Karla B. Vigil, Lawrence Vigil, Vicente Vigil.

GARCIA DITCH NO. 2

PRIORITY 1892

Defendants:

Abelardo E. Garcia, Geraldine E. Garcia, Jacob Trujillo.

MONTOYA CREEK DITCH

PRIORITY 1871

Defendants:

Angelina G. Martinez, Agripina Salazar, Victor Salazar, Karla B. Vigil, Vicente Vigil.

SALAZAR DITCH

PRIORITY 1871

Defendants:

Angelina G. Martinez.

LEYBA DITCH

PRIORITY 1882

Defendants:

Benjamin Leyba, David Leyba, Horace Leyba.

A.E. GARCIA DITCH

PRIORITY 1900

Defendants:

Abelardo E. Garcia, Geraldine E. Garcia.

RUMALDITA MARTINEZ/A.A. GARCIA DITCH

PRIORITY 1882

Defendants:

Abra Augustine Garcia, Theodore C. Lobato, Adela Martinez, Eraldo Martinez, Norman D. Vigil, Rubina Vigil, Wayne A. Vigil.

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water rights, or the proposed priority date of the water rights for any other defendant using surface or underground water for irrigation purposes in Canjilon Creek Subsection of Section 3 of the Rio Chama Stream System ("Canjilon Subsection"). These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other persons file objections.

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Canjilon Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.16 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.90 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.83 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" (CIR) refers to the quantity of water, expressed in acre-feet per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" (FDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a

source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The term “Project Diversion Requirement” (PDR) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year.

The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

You are hereby notified that you are required to file an objection with the Court if you disagree with the State’s proposed determination of the priority date or irrigation water requirements for your water rights, or the priority date or irrigation water requirements for any other water rights, for irrigated lands in the Canjilon Subsection.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes those elements of your water rights and the water rights of other surface water users in the Canjilon Subsection as described above. If you disagree, you must follow the instructions below.

In the absence of any objections, you will have no other opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Canjilon Subsection, and subsequent *inter se* proceedings in the Canjilon Subsection will not include the opportunity to object to those determinations.

In cases where defendants in the Canjilon Subsection have previously agreed with the State on the priority dates for their water rights or the irrigation water requirements for their water rights, and those priority dates or irrigation water requirements have been incorporated into subfile orders entered by the Court, those priority dates or irrigation water requirements cannot be challenged by those defendants. Other persons with standing may however file objections.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or the irrigation water requirements for surface water irrigation use in the Canjilon Subsection as stated above, you must file your Objection with the Court, in person or by mail, **FOR RECEIPT NO LATER THAN AUGUST 29, 2014** to:

United States District Court Clerk
333 Lomas Blvd. NW, Suite 270
Albuquerque, NM 87102

If you timely file an objection, the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights in the Canjilon Subsection. If you fail to timely object you may not raise objections in the future.

If you have any questions, call or write:

Jay Porteen
Litigation & Adjudication Program
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-4012 telephone

or, John W. Utton
Attorney for Asociación de Acéquias
Norteñas de Rio Arriba
Sheehan & Sheehan, P.A.
P.O. Box 271
Albuquerque, NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile

IT IS SO ORDERED.

Lorenzo F. Garcia

Lorenzo F. Garcia, U.S. Magistrate Judge